

Basin Study Work Group (BSWG) Steering Committee Meeting

April 17, 2014, 2:00-5:00 pm

Allen Room, Deschutes County Administrative Building, Bend, OR

Meeting Notes

ATTENDEES

The following people attended the meeting:

Mike Britton, North Unit Irrigation District
Suzanne Butterfield, Swalley Irrigation District
Leslie Clark, Central Oregon Irrigation District
Kate Fitzpatrick, Deschutes River Conservancy
Marv Gage, Arnold Irrigation District
Chris Gannon, Crooked River Watershed Council
Nancy Gilbert, US Fish and Wildlife Services
Kyle Gorman, OR Water Resources Department
Jason Gritzner, USDA Forest Service
Tod Heisler, Deschutes River Conservancy
Brett Hodgson, OR Dept. of Fish and Wildlife
Robert Hooton, OR Dept. of Fish and Wildlife
Bill Hopp, Tumalo Irrigation District
Ryan Houston, Upper Deschutes Watershed Council

Mike Kasberger, Ochoco Irrigation District
Eric Klann, City of Prineville
Chris Louis, Lone Pine Irrigation District
Danielle MacBain, GSI
Kimberley Priestley, WaterWatch of Oregon
Mark Reinecke, Bryant, Lovlien and Jarvis for Avion and Arnold Irrigation District
Ken Rieck, Tumalo Irrigation District
Betty Roppe, Central Oregon Cities Organization and City of Prineville
Adam Sussman, GSI
Pamela Thalacker, Three Sisters Irrigation District
Mike Tripp, Trout Unlimited
Alan Unger, Deschutes County

Mary Orton of The Mary Orton Company, LLC attended as facilitator.

AGENDA

The group used the following agenda as a guide during their meeting:

1. Welcome
2. Check-in
3. Review and approval of minutes from previous meetings
4. Recommendation from Planning Team regarding Facilitator
5. Structure and Decision-Making Discussion
6. Reports from subgroups
7. Update on communications with Reclamation
8. Report on state funding
9. Next steps
10. Meeting evaluation
11. Adjourn

WELCOME AND CHECK-IN

Suzanne Butterfield welcomed everybody to the meeting. Participants were invited to check in.

REVIEW AND APPROVAL OF PREVIOUS MINUTES

Minutes from Jan 7, 16, and 27 were approved by consensus with all green cards.

RECOMMENDATION FROM PLANNING TEAM REGARDING FACILITATOR

Mary's initial contract has ended, and members had been invited to fill out a survey about her performance as a way to assess whether to continue with her as facilitator. Copies of the survey (see attachment) were distributed. Before leaving the room, Mary emphasized that it is very important for the group to have a say in who serves as their facilitator and how that person does his or her work.

Suzanne reviewed the survey responses. Twenty-one people had filled out part or all of the survey. The group discussed direction for facilitation services.

Consensus (all green cards): Mary Orton should be retained as Facilitator.

General agreement was reached on the following direction:

1. Only spend five minutes on introductions and go around the room sequentially.
2. Do not allow anyone to get into too much minutiae (get us off topic or into too much detail).
3. A BSWG member will give Mary feedback during the meeting if s/he feels it necessary.
4. Most important of all, Mary is to make certain that the group gets all of the important tasks done in the time allotted in the meeting. BSWG members want to be guaranteed that Mary will navigate the group through the whole agenda in the time allotted.
5. We know we need to go slow to go fast, but we hope that as trust builds we can go faster.
6. Do not spend group time assisting whoever is on the phone. It is up to them to ask for any assistance they need.
7. If Mary feels she can assist with subject matter, she should let the group know that she is now speaking as a subject matter expert rather than facilitator. (Do not blur the lines.)

STRUCTURE AND DECISION-MAKING DISCUSSION

Mary referred to the draft charter that was attached to the agenda, and reminded the group that text in blue font still needed to be discussed and approved by the group. She said she and Suzanne had agreed that the first priority was to gain consensus on items 4.a and 2(e)ii.

The group began with 4.a:

4. **Decision-Making**

a. Steering Committee

The goal of the Steering Committee decision-making process is to promote completion of the Basin Study, to be open and inclusive, and to encourage diverse viewpoints. The group operates by consensus, *and in the spirit of collaboration, group members agree to do their best to meet the interests of all members.*

No formal votes will be taken. Every member organization receives one set of red, yellow, and green cards at each Steering Committee meeting. When asked by the Chair to indicate the level of agreement for a proposal, members will hold up one of the cards. The green card indicates the member fully supports the proposal, the yellow card indicates that the member can accept the proposal, and the red card indicates that the proposal is not acceptable because the member has serious reservations.

When a member holds up a yellow or red card, the group will make every attempt to address the member's concerns. The member with concerns will make every effort to offer an alternative satisfactory to all members. If further discussion does not resolve the concerns expressed, the Chair can appoint a small group to attempt to address the concerns. The Chair can also ask the facilitator to work, outside the meeting, with those who disagree. In both

these cases, the goal is to reach agreement on a proposal for the full group to consider.

The meeting notes will reflect the concerns expressed by any member holding a yellow or red card that are unresolved by the end of the meeting.

Consensus means that no more than one member holds up a red card, after every attempt has been made to address the concerns of all members.

Absence will be equivalent to holding up a yellow or green card. [Note from MO: This is one way to address absences. You could also say that if time allows, decisions will be made via email so that every member can consult with constituents before making a decision. You might want a quorum requirement if you do not allow the latter.]

The group first discussed whether one person holding a red card would not block consensus. Some expressed concerns about moving forward with even one dissenter, because if the group does not address a significant issue, they will have to address it down the road. These concerns were mitigated by the idea that if someone other than the lone dissenter thinks the process was insufficient and should not move forward, they can hold up a second red card and block consensus. In such a way, the process has a check built into it. There would be a request of the dissenting party to document their concerns and include in the minutes.

Consensus: One red card does not block consensus. This decision was made with one yellow card from Kyle and the rest green. Kyle's concern was that moving forward with a dissenter means the group did not do enough work on an issue to gain full agreement.

The group also discussed how to handle a final decision that was made with one red card, and agreed that the reasons for the red card should be in the minutes.

Consensus: If a final decision is made with someone holding a red card, that person will be invited to write up their concerns so they can be included in the minutes.

The group discussed the sentence, "Absence is equivalent to holding up a yellow or green card." The group discussed different ways to handle absences. Again, the main concern was that everyone needed to agree with the direction of the group, or the process would not work. There were also concerns expressed about prolonging the process. Due to the consensus decision made (below), the group agreed it did not need a quorum requirement.

Consensus (all green cards): If a decision is made, the decision language will be sent out to all members within two business days by the facilitator or process coordinator, with a deadline of four working days to respond with a red-card concern. If a red-card concern is introduced, the process for dealing with red cards begins immediately (as indicated under charter item #4.a).

The group agreed on several practices related to absences that they agreed did not need to be explicitly written into the charter:

- The agenda should be explicit about decisions to be made in the meeting.
- If someone knows they will be absent, they should offer their opinion in advance, if it is an important point and possible, or they should give their concerns to someone to bring. Kate committed to doing this for any member.

- If there are issues that members anticipate they will need to bring to their constituencies before they are able to make a decision, they can request a different decision process as an exception to the rule.
- Members will be asked to RSVP for meetings. If there will not be sufficient participation, the meeting will be rescheduled.

REPORTS FROM SUBGROUPS

Whychus Subgroup

Pamela reported on the first Whychus Subgroup meeting, held on March 9. Participants were Three Sisters Irrigation District, USFS Sisters Ranger District, Upper Deschutes Watershed Council, Deschutes River Conservancy, a citizen of Sisters, and Department of Environmental Quality. They provided Basin Study and BSWG context and background to those present who were new to the process, and began to make some progress identifying information needs related to water supply and demand, power and infrastructure operations, and solutions. Next steps are to refine this to focus on what should be included in the Plan of Study.

Groundwater Subgroup

Kyle reported on the April 8 Groundwater Subgroup meeting. Participants included Terrebonne Water District, Deschutes River Conservancy, GSI on behalf of City of Bend, WaterWatch of Oregon, and Oregon Water Resources Department.

The group focused on the question of how to frame groundwater demand. There are known demands and unknown demands. They created a matrix to categorize and quantify the different groundwater demands over 20-, 30-, and 50-year timeframes. This matrix includes exempt wells and 7j water rights, which currently do not have a mitigation requirement but may in the future. Adam emphasized that this was to capture the largest possible universe of demand over the 50-year planning period, not to imply that this group was going to try to affect policy change in that direction. The group is currently refining the matrix, will fill out what information it can, and will identify what information will be needed in the Basin Study.

Deschutes Instream Subgroup

Ryan summarized this subgroup's work, including their April 16 meeting. They are refining their framework for the scope of work they will recommend to go into Plan of Study. Topics include:

1. Which models we could use for instream flow.
2. Prioritizing reaches. In recognition that the Upper Deschutes/Little Deschutes/Crescent Creek system encompasses many more miles than we have money to study, the group is trying to prioritize reaches within that system, based on two perspectives: fisheries and the Oregon spotted frog. The fisheries priorities were clear. The frog priorities are less clear because the information is still evolving. A smaller group will be working to further refine priority reaches.

The goal is to identify which models in which reaches will be most useful to articulate instream demand. They are working with a round number, based on consultant estimates of \$15,000/mile to get this information. The prioritization is necessitated by inherent funding constraints.

There was discussion about confusion about the rationale for subgroups that are topical (groundwater, instream flow) versus geographic (Crooked, Deschutes, and Whychus). Kate suggested the group is building the form to match the function and could create whatever subgroup structure is most effective and appropriate.

UPDATE ON COMMUNICATIONS WITH RECLAMATION

Suzanne reported that she recently checked in with Dawn Weidmeier at Reclamation, and there was nothing new to report. She let Dawn know that, now that Steve Johnson is no longer at COID, Suzanne was the person to contact about the Basin Study proposal. The decision about our proposal will be sent to COID, and Leslie committed to let Suzanne know immediately when they received the notice.

REPORT ON STATE FUNDING

Adam reported that as soon as we hear that our proposal has been accepted by Reclamation, we could start working with \$230,000 of the \$750,000 State of Oregon funding associated with SB 839. Adam reported that, because SB 839 was not a clear funding commitment, a small group worked in the last legislative session to get a budget note passed confirming this. (See <https://olis.leg.state.or.us/liz/2014R1/Downloads/CommitteeMeetingDocument/36607>; scroll down to Water Resources Department on page 6).

NEXT STEPS

Mary suggested that since the group did not finish the charter language, it should be on the next agenda. She suggested that the group take up 4a and 2(e)ii, as well as 7 and 8, and that the rest could be handled via email, if the group agreed. Kate agreed to doodle the next meeting for the first two weeks in May.

Adam presented on what to expect at the next meeting regarding the Plan of Study and MOA. The Basin Study is a cost-share study, where BOR gives itself \$750,000 and the State gives DBBC, on behalf of BSWG, \$750,000. BOR typically spends its money on its own staff (they have approximated \$500,000 for this purpose), and then their chosen contractors. We have control over our \$750,000. Adam brought handouts that he will email to Kate to send out, including:

- Brief description of MOA and Plan of Study
- Three Plan of Study examples.

Once we receive the letter from BOR telling us we are funded, the next steps are to develop the MOA and Plan of Study with BOR. The MOA is fairly generic, and goes hand-in-hand with the Plan of Study, which is a higher level of detail than what we submitted in the proposal. DBBC will need to enter into a contract with the State to start getting State money for BSWG to develop the MOA and Plan of Study with BOR, including tasks and deliverables. The “Gang of Five” or Planning Team will be meeting soon and will rough out a proposal to bring back to this group for discussion.

Adam also said that BSWG may be on the Oregon Water Resources Commission agenda May 29 or 30 and small group of this group should attend and make a presentation.

MEETING EVALUATION

Mary invited everyone to provide one piece of feedback about what they liked about the meeting, indicated below with a plus symbol (+), and one piece of feedback about what they would like to change for the next meeting, indicated with a delta symbol (Δ). Below are the results of this exercise.

+	Δ
+ Good to resume meetings – needed to get momentum going again.	Δ Good to hear points of view on charter, but too much time and will probably deal with reality when problems arise as before.
+ Renewed energy after a short break. Group seems to be evolving in a positive direction.	Δ Better commitment to our agreed
+ Review of Mary’s performance; decision process	

+	Δ
<p>discussion; updates on subgroups; agenda structure; time slot – afternoon; total time; treats!</p> <p>+ Hearing the reports from the subgroups and Adam’s report. It is good to hear the progress being made.</p> <p>+ Good open communication.</p> <p>+ Good governance discussion.</p> <p>+ That people were expressing their views about the type of facilitation style they wanted.</p> <p>+ Mary was reelected.</p> <p>+ Gets out on time.</p>	<p>operational and internal processes.</p> <p>Δ Faster introductions.</p> <p>Δ More brief introductions.</p> <p>Δ Spent too much time on the absent member.</p> <p>Δ A little bigger room – always try to get first floor conference room.</p> <p>Δ Room too small; new location.</p> <p>Δ Better air.</p> <p>Δ (Nothing noted.)</p> <p>Δ (Nothing noted.)</p>

The meeting was adjourned at 4:55 PM.

Attachment: BSWG Facilitator Evaluation Survey Responses

March 2014

Question 1. How many BSWG meetings facilitated by Mary Orton have you attended? (There have been a total of five: 11/1, 12/12, 1/7, 1/16, and 1/27.)

(Answered: 19; Skipped: 2)

- 0 meetings attended: 0
- 1 meetings attended: 2
- 2 meetings attended: 2
- 3 meetings attended: 3
- 4 meetings attended: 6
- 5 meetings attended: 6

Question 2. How many other meetings facilitated by Mary have you attended? (There have been a total of 7: 3 Crooked Subgroup and 4 DWPI/Deschutes Subgroup meetings.)

(Answered: 19; Skipped: 2)

- 0 meetings attended: 6
- 1 meetings attended: 0
- 2 meetings attended: 6
- 3 meetings attended: 2
- 4 meetings attended: 3
- 5 meetings attended: 1
- 6 meetings attended: 1
- 7 meetings attended: 0

Question 3. On a scale of 0 to 9, how useful do you think Mary's meeting design, mediation, and facilitation services have been?

(Answered: 21; Skipped: 0)

Scale definitions:

0: Not useful; we'd be better off without her

4 and 5: Somewhat useful

9: Extremely useful; we couldn't have gotten this far without her

Number of responses:

Number who chose 0: 0 (0%)
 Number who chose 1: 0 (0%)
 Number who chose 2: 0 (0%)
 Number who chose 3: 1 (5%)
 Number who chose 4: 1 (5%)
 Number who chose 5: 0 (0%)
 Number who chose 6: 3 (14%)
 Number who chose 7: 8 (38%)
 Number who chose 8: 3 (14%)
 Number who chose 9: 5 (24%)

Average rating: 7.14

Comments:

- No personal knowledge of her mediation services.

- I have no personal knowledge of M's mediation activities.
- Although I've only gone to one meeting, she was directive, intervened as appropriate, and overall was an attentive and effective facilitator.
- Very good. Keeps on track and has tools to do so with people. Solicits feedback every meeting. Reads the group's wishes very well. Is intelligent and fun to be around.
- Improvements could be made in sticking with agenda and moving the group onward when it gets stuck in minutiae or the past.

Question 4. If Mary continues as the BSWG facilitator, what is she currently doing that she should continue or do more of?

(Answered: 14; Skipped: 7)

- Keep the meetings on track (in accordance with the agenda).
- My impression was that her facilitation was effective; specifically, she kept the meeting I attended on track and on topic and made sure everyone had an opportunity to speak.
- She keeps the conversations going and makes sure all get a chance to speak.
- Continue to invite everyone into the conversation. Mary is good at ensuring everyone gets an opportunity. She could also continue to check in with the group on key decision points. These are critical and need to be carefully vetted and confirmed.
- Be forceful - make people participate.
- She is very good at making everyone feel heard and keeping emotions from taking over the conversation.
- Keeping the group engaged.
- Recording individual ideas & questions, and then helping reach understanding and/or buy-in. Green/yellow/red cards seem helpful.
- Agendas, action items, voting, securing all interests.
- Direct conversations that are contentious.
- She does a good job facilitating and follows a process.
- Connect.
- I am fine with the current path.
- All is well.

Question 5. If Mary continues as the BSWG facilitator, what changes in what she does or her approach would you like to see?

(Answered: 14; Skipped: 7)

- Don't waste time asking how everyone is feeling. Our time is too important and seems we are always running short of time at meetings.
- Introductions take too much time.
- Change the introduction a bit and mix it up a bit. Have three different introductory methods.
- Be a little more forceful in getting everyone committed. If people are hanging back, get them to speak up.
- Allow freer flow at meetings.
- Don't be soft - don't let us wander.
- Sometimes it seems as though the meeting gets a little away from her. Perhaps she could exert a little more control.
- It is a strong group of personalities and I think she needs to exert more control (at times) of the group and keep us on task.
- I would like Mary to utilize the process deadlines to push resolution on issues. Occasionally

the effort seems focused on anyone and everyone needing to feel 100% comfort before a decision can be made which can be a detriment to getting to deadline requirements.

- We need to foster and then maintain a more open, safe meeting environment for these topics. I feel as if some in the group have already pre-selected the outcome and are now steering study questions to that outcome. Not the way this process should work. If we stay on the same course as before, for the Crooked at least, we will all be frustrated when we get the same final low or no acceptance of the results.
- Avoid excess time on process issues.
- The 5 page "BSWG Ground Rules" Draft - Agenda seems a bit much, but maybe it's better addressed sooner than later.
- None.
- None come to mind.
- I am fine with the current path.
- I haven't seen any instances where I would recommend changes.

Question 6. Please add anything else you would like to share.

(Answered: 8; Skipped: 13)

- Lara's combination of smarts and charm is hard to replace. If Mary is the best available, OK. If not, change.
- I've had limited exposure to Mary's facilitation but felt it was effective and useful, i.e. that the meeting I attended was more productive than it would have been had she not been there.
- A facilitator is key to making this work. Mary already knows the players and the major issues. Stay with her.
- We are lucky to have Mary and her skills to guide us through this collaborative process to get consensus and a plan for our future.
- I believe she is effective.
- Mary, Kate, and Susannah do a great job.
- I have really enjoyed and appreciated her hard work.
- I am hopeful that in 2014 we can explore more creative ways to address perceived water supply issues and not limit ourselves like in the past. Mary could have a dramatic impact on how this gets done.